

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
IRINA MORDUKHAYEV, :
Plaintiff, : No. 1:11-cv-00615-ENV-CLP
: :
- against - :
: :
HILTON TIMES SQUARE, SUNSTONE HOTEL : **SUNSTONE DEFENDANTS'**
PROPERTIES INVESTORS, INC., HILTON : **NOTICE OF MOTION**
HOTELS CORPORATION, FC42 HOTEL LLC, :
SUNSTONE 42ND STREET LLC, SUNSTONE :
42ND STREET LESSEE, INC., SUNSTONE :
HOTEL PROPERTIES, INC. d/b/a HILTON :
TIMES SQUARE, SUNSTONE HOTEL OP, :
SECURE WATCH24 d/b/a SW24, SLAVKA :
KMEC, FOSTER BURNETT, ROCCO :
CASTELLANO, and NEW YORK HOTEL AND :
MOTEL TRADES COUNCIL, AFL-CIO (Union), :
Defendants. :
-----x

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, and upon all the pleadings and proceedings herein, Defendants Sunstone Hotel Properties Investors, Inc., Sunstone 42nd Street LLC, Sunstone 42nd Street Lessee, Inc., Sunstone Hotel Properties, Inc. d/b/a Hilton Times Square, Sunstone Hotel OP, Slavka Kmec (incorrectly named as Slavka Kmee), and Foster Burnett (the “Sunstone Defendants”), by their undersigned counsel, will move this Court, at a date and time to be determined by the Court, before The Honorable Eric N. Vitaliano, United States District Judge, Eastern District of New York, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendant’s Motion to Dismiss the Complaint, and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
March 18, 2011

Respectfully submitted,
SEYFARTH SHAW LLP

By: /s/ Robert S. Whitman
Robert S. Whitman
Alexis N. Gevanter

620 Eighth Avenue, 32nd Floor
New York, New York 10018
(212) 218-5500
rwhitman@seyfarth.com
agevanter@seyfarth.com

Attorneys for the Sunstone Defendants

TO: Flora Rainer
Law Office of Flora Rainer, Esq.
7234 73rd Street
Glendale, New York 11385
(718) 644-0214

Attorneys for Plaintiff

Jonathan M. Kozak
Michael A. Jakowsky
Jackson Lewis LLP
One North Broadway, 15th Floor
White Plains, NY 10601-2329
(914) 328-0404

Attorneys for Hilton Hotels Corporation

Barry N. Saltzman
Pitta & Giblin LLP
120 Broadway, 28th Floor
New York, New York 10271
(212) 652-3827

Attorneys for New York Hotel and Motel Trades Council AFL-CIO

Jennifer S. Heitman
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
3 Gannett Drive
White Plains, NY 10604

Attorneys for Secure Watch24

Rocco Castellano
90 Stafford Ave
Staten Island, New York 10312

Defendant

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2011, I caused the foregoing Cover Letter, Sunstone Defendants' Notice of Motion, and Sunstone Defendants' Memorandum of Law in Support of Motion to Dismiss, to be served by federal express upon the following counsel of record:

Flora Rainer
Law Office of Flora Rainer, Esq.
7234 73rd Street
Glendale, New York 11385
Attorneys for Plaintiff

Barry N. Saltzman
Pitta & Giblin LLP
120 Broadway, 28th Floor
New York, New York 10271
Attorneys for New York Hotel and Motel Trades Council AFL-CIO

Jennifer S. Heitman
Wilson, Elser, Moskowitz, Edelman & Dicker LLP
3 Gannett Drive
White Plains, NY 10604
Attorneys for Secure Watch24

Rocco Castellano
90 Stafford Ave
Staten Island, New York 10312
Defendant

/s/ Alexis N. Gevanter
Alexis N. Gevanter